

House File 2498 - Introduced

HOUSE FILE 2498
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 678)

A BILL FOR

1 An Act relating to the contents of certain motor carrier
2 transportation contracts by declaring certain indemnity
3 provisions to be unlawful and void.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 325B.1 Contents of motor carrier
2 transportation contracts — certain provisions void.

3 1. As used in this section:

4 a. "*Motor carrier*" means the same as defined in section
5 325A.1.

6 b. "*Motor carrier transportation contract*" means a contract,
7 agreement, or understanding related to any of the following:

8 (1) The transportation for hire of property by a motor
9 carrier.

10 (2) The entrance upon property by a motor carrier for the
11 purpose of loading, unloading, or transporting property for
12 transportation for hire.

13 (3) A service incidental to the activities described in
14 subparagraph (1) or (2), including but not limited to the
15 storage of property.

16 c. "*Transportation for hire*" means the same as defined in
17 section 325A.1.

18 2. Notwithstanding any provision of law to the contrary,
19 a motor carrier transportation contract, whether express or
20 implied, shall not contain a provision, clause, covenant,
21 or agreement that purports to indemnify, defend, or hold
22 harmless, or has the effect of indemnifying, defending, or
23 holding harmless, a promisee from or against any liability for
24 injury, death, loss, or damage resulting from the negligence
25 or intentional acts or omissions of that promisee, or any
26 agents, employees, servants, or independent contractors who
27 are directly responsible to that promisee. This prohibition
28 applies to any provisions or agreements collateral to or
29 affecting a motor carrier transportation contract. Any
30 such provisions, clauses, covenants, or agreements are void
31 and unenforceable. If any provision, clause, covenant, or
32 agreement is deemed void and unenforceable under this section,
33 the remaining provisions of the motor carrier transportation
34 contract are severable and shall be enforceable unless
35 otherwise prohibited by law.

1 3. This section does not apply to the uniform intermodal
2 interchange and facilities access agreement administered by the
3 intermodal association of north America, as amended, or other
4 contracts or agreements providing for the interchange, use, or
5 possession of intermodal chassis or other intermodal equipment.

6 4. This section applies to motor carrier transportation
7 contracts entered into, extended, or renewed on or after July
8 1, 2010.

9 EXPLANATION

10 This bill creates new Code section 325B.1 relating to the
11 contents of certain motor carrier transportation contracts,
12 as defined in the bill. The bill prohibits a motor carrier
13 transportation contract, whether express or implied, from
14 containing a provision, clause, covenant, or agreement that
15 purports to indemnify, defend, or hold harmless, or has the
16 effect of indemnifying, defending, or holding harmless, a
17 promisee from or against any liability for injury, death, loss,
18 or damage resulting from the negligence or intentional acts or
19 omissions of that promisee, or any agents, employees, servants,
20 or independent contractors who are directly responsible to that
21 promisee.

22 The bill provides that if any provision, clause, covenant,
23 or agreement is deemed void and unenforceable under the bill,
24 the remaining provisions of the motor carrier transportation
25 contract are severable and enforceable unless otherwise
26 prohibited by law.

27 The bill does not apply to the uniform intermodal
28 interchange and facilities access agreement administered by the
29 intermodal association of north America, as that agreement may
30 be amended, or other contracts or agreements providing for the
31 interchange, use, or possession of intermodal chassis or other
32 intermodal equipment.

33 The bill applies to motor carrier transportation contracts
34 entered into, extended, or renewed on or after July 1, 2010.